

■ §2.37 DISCLOSURE OF INFORMATION CONCERNING PAROLEES; STATEMENT OF POLICY.

(a) Information concerning a parolee under the Commission's supervision may be disclosed to a person or persons who may be exposed to harm through contact with that particular parolee if such disclosure is deemed to be reasonably necessary to give notice that such danger exists.

(b) Information concerning parolees may be released by a Chief U.S. Probation Officer to a law enforcement agency (1) as deemed appropriate for the protection of the public or the enforcement of the conditions of parole or (2) pursuant to a request under 18 U.S.C. 4203(e).

(c) Information deemed to be “public sector” information may be disclosed to third parties without the consent of the file subject. Public sector information encompasses the following: (1) Name; (2) Register number; (3) Offense conviction; (4) Past and current places of incarceration; (5) Age; (6) Sentence data on the Bureau of Prisons sentence computation record (BP-5); (7) Date(s) of parole and parole revocation hearings; and (8) The decision(s) rendered by the Commission following a parole or parole revocation hearing proceeding, including the dates of continuances and parole dates. An inmate’s designated future place of incarceration is not public record.

Notes and Procedures

■ 2.37-01. *Disclosure of Information.*

(a) Authority for discretionary release of information under §2.37(a) is delegated to the Chief Probation Officer of the District supervising the case (in the absence of a special instruction from the Commission to the contrary). Determinations under this section shall be made under the standards established by the Administrative Office of the U.S. Courts for similar determinations for probationers, subject to any special instructions of the Commission. Any questions concerning the necessity of such disclosure may be referred to the Regional Commissioner for decision.

(b) Section 2.37(b)(1) is intended to facilitate cooperation between the Parole Commission and law enforcement officials. It refers to disclosure on a case by case basis of such information as is necessary to assist a law enforcement agency in the investigation of a specific crime (for example, notification to a law enforcement agency by a probation officer that a parolee has in the past used a modus operandi similar to one reportedly used in a recent crime); and disclosure of such information as is necessary to assist in parole supervision (for example, asking law enforcement officials whether a parolee has been questioned or has had other contacts with the law enforcement agency, or asking assistance in locating a parolee whose whereabouts are unknown). Authority for such disclosure, absent a special instruction from the Commission to the contrary, is delegated to the Chief Probation Officer of the District supervising the case. Determinations to disclose case file information shall be made under the standards established by the Administrative Office of the U.S. Courts for similar determinations for probationers, subject to any special instructions of the Commission. Any questions concerning disclosure under this section shall be referred to the Regional Commissioner for decision.

(c) In addition, §2.37(b)(2) provides for the routine disclosure of certain information about parolees to law enforcement authorities pursuant to 18 U.S.C. 4203(e). When requested by the head of a law enforcement agency of a state or local government, the Chief Probation Officer of the applicable district shall provide with respect to parolees who reside, are employed, or are supervised within such agency's geographical jurisdiction the following information (to the extent that it is maintained by the Probation Office): (1) the names of such parolees, (2) their addresses, (3) their dates of birth, (4) their F.B.I. numbers, (5) their fingerprints and photographs, and (6) the nature of the offense of conviction and the factual circumstances

relating to it.

Notes:

- (1) The term "parolee" includes persons released as if on parole (mandatory releasees).
- (2) Provisions for routine disclosure do not apply to Witness Security (WITSEC) cases.
- (3) Any law enforcement agency receiving information under paragraph (c) above shall be notified that such information is for law enforcement purposes only and is not to be released outside such agency.
- (4) Disclosure of information concerning persons sentenced under the Juvenile Justice Act is governed by the following. When a juvenile delinquent is released, the analyst should ask the Probation Officer supervising the case to request authorization from the committing court to disclose information concerning the juvenile (a) to person(s) who may be exposed to harm through contact with that juvenile if such disclosure is deemed to be reasonably necessary to give notice that such danger exists, and (b) to a law enforcement agency where disclosure of information is required for protection of the public or enforcement of the conditions of parole. A copy of this authorization should be sent to the Commission for its file. If such authorization is granted by the committing court, disclosures may then be made as appropriate. For any disclosure consideration not covered above, contact the Commission's Legal Office.
- (5) "Designated place of incarceration" means the place of incarceration to which the inmate is scheduled to be transferred in the future.